

## Remarks

### **1. Summary of Office Action**

Claims 1, 2, 5-7 and 9-18 were rejected under 35 U.S.C. 102(b) as being anticipated by Gompper et al. (US 2002/0148408). Claims 3, 4 and 8 were rejected as being obvious under 35 U.S.C. 103(a) in view of Gompper et al. in combination with Jaquith.

### **2. Status of Claims**

Claims 1-18 are pending. The independent claims have been amended.

### **3. Response to Rejections**

Previously, the Applicants overcame a rejection to the claims under 35 U.S.C. 102(b) as being anticipated by Jaquith because Jaquith does not show a breast pump with a breast shield for expressing milk from a woman's breast. It is therefore perplexing to the Applicants why the Examiner is again rejecting the claims as lacking novelty, by using *yet another document which fails to show a breast pump with a breast shield* for expressing milk from a mother's breast.

Like the Jaquith document, the Gompper device is for use in a "dairy harvesting facility." (see paragraph 0002). Like the Jaquith document, the Gompper device has milkers for attachment to dairy cows and a vacuum pump for operating a large number of milkers at once. Breast shields for humans and breast pumps for use in human breast expression are not the same devices and are not equivalent to those used in Gompper or in any dairy operation. The size, shape, operating parameters and other aspects of devices used in dairy operations are not the same as in breast shields and pumps for humans, and therefore cannot be considered anticipatory.

Therefore, the subject matter of the device claim (claim 1) and the method claims (claims 10

and 16) is novel in view of Gommper. Because the independent claims are novel, the claims dependent therefrom are also novel.

The subject matter of claims 3, 4, and 8 is also not obvious in view of the combination of Gommper and Jaquith. As shown above, Gommper fails to show at least a breast pump and breast shield. Jaquith does not supply the deficiencies thereof. Thus, there is no *prima facie* case of obviousness. Since there is no reasonable expectation that the devices and methods shown in Gommper and Jaquith would be applicable to humans or predictably successful even if so adapted, there is no suggestion or motivation present to make the numerous changes necessary to adapt at least the form and function of the Gommper and Jaquith devices to that of the present invention.

Finally, the claims have been amended, not to overcome the cited art, but to make clear that the present invention is for use with human mothers (a limitation in the claims which has been present throughout prosecution) and that the data acquired is used for therapeutic, diagnostic or modified milk expression techniques for a human mother. This invention represents a significant and important improvement in the evaluation and treatment of aspects of human lactation and the ability to make adaptations to aspects of human lactation.

Reconsideration is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Steven B. Courtright', is written over a horizontal line.

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Date: December 5, 2007